

**MONTANA STATE WATER PLAN
HANDBOOK**

Prepared by

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PREFACE

This handbook is designed for people who play a major role in developing and implementing the Montana State Water Plan. It should answer such questions as "What is the purpose of the state water plan?" and "Who is involved in the planning process?" The handbook is meant to help participants understand the state water plan's goals and objectives and the various participants' role in the planning process. It also provides a model to follow for completing the planning process.

No two water management issues are exactly alike. The planning process serves as a laboratory for collaborative problem-solving and more effective water policy-making. While this handbook provides a great deal of direction and guidance, it need not be followed to the letter. Because good planning requires creativity, the planning process must remain flexible.

This handbook will be revised as the state water plan evolves and as water management confronts and explores new problems and opportunities. As with the state water plan, this handbook will never be considered "final."

CHAPTER I

INTRODUCTION

Why a State Water Plan?

Water is arguably Montana's most valuable natural resource. Not only does it give life to Montanans, plants, animals, and ecosystems, it sustains the economy, landscape, and culture that together make this state unique. Although Montana's water supplies compare favorably with many other western states, enough water isn't always in the right place at the right time of usable quality. Competition for Montana's water is growing.

In Montana, several water management problems need immediate attention.

For example:

1. Inadequate water supply in many basins throughout the state, notably in the Milk and Musselshell.
2. Historic point source and non-point source pollution, particularly in the Clark Fork River.
3. Aquifer conservation and groundwater quality protection.
4. Resolution of Indian and other federal reserved water rights.
5. Conflicts between irrigation and recreational uses of our rivers, particularly in the southwestern portion of Montana.

This list is by no means comprehensive, and new water management problems continue to surface. ~~A forum is needed to efficiently study and resolve such issues before they become bound up in gridlock.~~ Otherwise, on highly emotional issues like water management, the status quo tends to prevail over positive, effective action for policy and management improvements.

The wide range of water management problems that face Montana affects many different types of water users. For instance, municipalities, irrigators, hydropower producers, and recreationists are only a few of the interest groups affected by water management decisions. Several groups also have jurisdiction over various aspects of water management, including the legislature, state and federal agencies, Indian tribes,

and regional authorities. Because of this diversity of interests and jurisdictions it is no wonder that the search for solutions often is beset by confusion, conflict and controversy.

Appropriately designed and implemented, a state water planning process can (1) improve communication, coordination, and collaboration by bringing people together who are interested in, affected by, and responsible for water resource management; (2) focus these peoples' attentions upon the most significant water problems facing the state; and (3) resolve conflicts and reach consensus decisions, and lead to effective action.

Historical Perspective

In 1967, the Montana Legislature passed the Water Resource Act which outlines several water management goals for the state and calls for a state water plan as the way to accomplish these goals (Section 85-1-101, MCA). According to the statute, the state water plan is to be comprehensive and encourage coordinated development and use of Montana's water. The plan is to provide for multiple uses; set out a progressive program for conserving, developing, and using the state's water; and propose the most effective ways of using the state's water to benefit the people, while considering alternate uses and combinations of uses (Section 85-1-203, MCA).

The Department of Natural Resources and Conservation (DNRC) is responsible for developing the state water plan. As it formulates the plan, it is to consult with and solicit the advice of the legislature's Water Policy Committee (WPC); hold public meetings before adopting the plan; adopt the plan with the approval of the Board of Natural Resources and Conservation (Board); publish the plan; and submit the plan to the WPC and to the legislature during each general session (Section 85-1-203, MCA).

For many years, efforts to develop the state water plan focused on basin plans in conformance with federal principles and guidelines and with federal grant assistance. While these plans produced volumes of valuable technical information, inadequate consideration was given to the institutional and political feasibility of implementing plan recommendations. Consequently, the plans had little effect on

water management decisions and ended up as "shelf art."

These basin plans also were ineffective vehicles for addressing the state's most critical water management problems, such as interstate water allocation, reserved water rights, water use efficiency, instream flow protection, groundwater management, and nonpoint source pollution. Faced with these types of problems and limited resources for solving them, DNRC realized that its planning efforts needed to be more directly focused. In order to solve such problems, more than just the technical aspects must be examined. Planning also must transcend jurisdictional boundaries and bring all affected parties into the process. It should be an ongoing process that adapts to changing public needs and desires. Most importantly, planning must result in recommendations that are acted upon.

In 1987, DNRC embarked on a new approach to developing the state water plan. After reviewing the water planning processes of other western states, DNRC adopted an approach similar to that used in Kansas. Under this approach, individuals and groups affected by water management decisions are allowed to participate directly in policy and program development and management decisions. This method is designed to develop water management solutions through collaborative problem-solving.

Mission and Objectives

The state water plan's mission is to solve statewide and basin-specific water management problems in the most cost-effective and efficient manner possible. This mission is pursued by focusing on several process-related objectives:

1. Involve all parties affected by water management decisions and those with jurisdiction over water resource management. 4, 4b
2. Collectively identify problems; alternatives, and solutions. 3, 4
3. Pursue consensus solutions. 7, 8
4. Balance competing water uses. 6
5. Improve communication, cooperation, and coordination among jurisdictions. 5

6. Allow flexibility for regular reevaluation, updating and revision.

The state water plan provides a forum for all affected parties, including those affected by but without jurisdictional responsibility, to collaboratively solve water management problems. It focuses on specific water management issues, whether of statewide or regional significance. Finally, although not the principal purpose, an important facet of the state water plan is the role it plays as a vehicle for educating the public on water management issues.

CHAPTER II

ROLES AND RESPONSIBILITIES OF MAJOR PARTICIPANTS

This chapter defines roles and responsibilities of major participants in developing and implementing the state water plan.

Department of Natural Resources and Conservation

DNRC is responsible for formulating and adopting the state water plan (Section 85-1-203, MCA). Throughout the process, DNRC's director consults with and relies heavily upon the advice of the Governor's Office, WPC, the Board, the State Water Plan Advisory Council (SWPAC), steering committees, and the public. After receiving this advice, the DNRC director is responsible for selecting the issues to be addressed during each planning cycle, appointing steering committee members, determining the content of plan sections submitted for public review and comment, and adopting final plan sections.

DNRC planning staff coordinates the planning process and usually performs most of the administrative functions involved with developing the plan. As necessary, the planning staff organizes and facilitates meetings of the SWPAC and steering committees. The DNRC regularly briefs the Board, the Water Policy Committee, and other interested groups on progress in developing and implementing the plan. DNRC planning staff also is responsible for gathering and analyzing input from the general public for use by the director, SWPAC, steering committees, and the Board. It is also possible that someone other than DNRC planning staff will serve as a facilitator or steering committee staff. This person must be accepted by the steering committee as objective and unbiased, with expertise in planning and conflict resolution, and committed to providing the necessary time and expense for completing the project. A DNRC staff person may be assigned to coordinate and assist this person to assure conformance with the fundamental objective of the planning process.

Because DNRC has its own water management expertise and authority, its input and point of view also should be considered during plan development. To minimize

possible DNRC domination of the process, however, the coordinating and advocacy roles must remain separate and distinct. For instance, when a plan section is being developed for an issue in which DNRC has an obvious interest, DNRC's input will be provided by someone other than the planning staff responsible for coordinating plan section development.

Governor's Office

The governor is consulted by the DNRC director prior to the selection of issues to address during each planning cycle, on the preliminary recommendations for public review and comment, on the response to public comments and revised recommendations, and on the adoption of final plan sections. The governor is responsible for appointing the SWPAC and its chairperson. Finally, the governor may play a key role in implementing state water plan recommendations. This role may involve requesting legislation, including funding in the budget to develop and implement the state water plan, and authorizing intergovernmental agreements to implement plan recommendations.

Board of Natural Resources and Conservation

Because the Board must approve DNRC's adoption of the state water plan (Section 85-1-203(2), MCA), it must be involved in the planning process from the beginning. The Board is consulted on the selection of issues to address during each planning cycle, preliminary recommendations for public review and comment, and revising plan sections in response to public comments. Updates on plan development and implementation will be an agenda item at all regular Board meetings. Before granting its approval of plan adoption, the Board cosponsors (with DNRC) public hearings on plan sections being proposed for adoption. Also, the governor may appoint one Board member to serve on the SWPAC for coordination purposes.

Legislature

Each legislator receives all general state water plan mailings and is encouraged

to comment on the plan at any time. Completed plan sections are presented to the legislature before each regular session begins. In accordance with Section 85-1-203(4), MCA, the legislature may revise the adopted state water plan by joint resolution. The legislature also retains authority to act on any statutory changes or state expenditures recommended in the plan.

Water Policy Committee

The legislature's WPC provides advice on the selection of issues during each planning cycle, the preliminary recommendations for public review and comment, the response to public comments and revised plan sections, and the adoption of plan sections. WPC members also are likely to be asked to serve on the SWPAC and steering committees to ensure further coordination. DNRC will be prepared to provide reports on state water plan progress at each regular WPC meeting. Once adopted, final plan sections are presented to the WPC.

State Water Plan Advisory Council

The SWPAC provides the most active general direction and policy advice during the planning process and specifically to the steering committees. It advises DNRC on the selection of issues, monitors steering committee progress on analyzing issues and preparing preliminary plan sections, recommends to DNRC's director specific revisions of the steering committees' preliminary plan sections, reviews public comments on preliminary plan sections, and makes recommendations to the DNRC director for preparation of revised plan sections.

The SWPAC also serves as a forum for assimilating input from all major participants in the planning process. Its members include one representative of the Governor's Office; one representative of the Board; two legislators (preferably members of the WPC); two representatives of federal water management agencies; the two directors of the state departments of Health and Environmental Sciences and Fish, Wildlife, and Parks; and representatives of local governments and domestic, agricultural, environmental, sportsmen, irrigation, and industrial water users. SWPAC

is appointed by executive order of the Governor, who also designated the chairperson. Members serve two-year terms.

Steering Committees

Based on suggestions by SWPAC members and others, the DNRC appoints steering committees for each issue or basin addressed in the state water plan. These steering committees should represent all major interests affected by or responsible for a given water management issue. Each committee is responsible for developing an entire or partial draft plan section. Steering committees identify problems related to the issue in question, generate alternative solutions, assess the costs and benefits of those alternatives, and, to the extent possible, make consensus recommendations to the SWPAC in the form of preliminary plan sections. Steering committee members also present progress reports to the SWPAC, assist at public meetings on draft plan sections, and provide input to the SWPAC on revisions to draft plan sections based on public comments.

Basin steering committees generally receive less direction from the SWPAC than steering committees working on statewide management issues, as it is unlikely SWPAC members will be as knowledgeable about the site-specific characteristics and issues of a particular basin as statewide policy questions. Thus, the SWPAC is more reluctant to challenge recommendations of basin steering committees. The SWPAC retains the authority to advise the basin steering committee on the general feasibility of state or federal government implementation based on its political expertise.

To ensure coordination with the SWPAC, one member is appointed to serve as chairman of the statewide issue steering committees. This may not be practical, however, for basin steering committees. For this reason, it is imperative that basin steering committees make regular progress reports to the SWPAC.

CHAPTER III

PUBLIC PARTICIPATION

Public participation in developing and implementing the state water plan is essential. Through public involvement, all water users and others affected by water management decisions will have an opportunity to help shape each section of the state water plan section. The public participation effort must fulfill three basic needs: (1) to educate and inform the public about water problems and state water plan activities; (2) to receive information from the public necessary to identify, analyze, and solve problems; and (3) to achieve the general consent of all interested parties on plan recommendations.

Combining public input with the advice of resource managers and policy-makers at all levels ensures that decisions on specific issues in the state water plan are both technically sound and generally agreeable to all affected parties. To encourage participation, the public is notified well in advance of upcoming activities and decisions regarding the plan and given convenient access to the decision-making process. The state water plan is designed to provide for public participation in the following ways.

Workshops and Special Meetings

DNRC personnel are available upon request to meet with groups that express an interest in receiving information about the state water plan and current planning activities. This type of meeting improves communication between people working on the plan and the various potentially affected interests.

Scoping Meetings

Before issues are selected for plan consideration, DNRC conducts eight to ten meetings in various cities across the state. These meetings are held to achieve two objectives.

First, the planning process is explained so that people will understand the best

way they can participate. As part of this objective, describing implementation activities may be useful as examples for why they would want to participate.

The second objective is identifying which problems or issues the public considers to be the most urgent or important. This objective is accomplished by dividing meeting participants into small groups. After individuals present their lists of issues to the small group for discussion, these small groups agree on a shorter list of issues that are felt to be the most important. Each small group presents its list of priorities to the entire audience, and after all of the small groups have reported, results are condensed into one list of priorities. This list is discussed and refined by the entire audience, until a general agreement is reached.

Steering Committees

Public representatives can participate in the technical analysis of issues by serving on steering committees (see Chapter II, Roles and Responsibilities of Major Participants). The diverse members of the steering committees will ensure that issues are analyzed from a variety of perspectives, which should contribute toward widely accepted recommendations.

Public Meetings on Preliminary Plan Sections

These meetings are conducted as "open houses." Eight to ten open houses are held throughout the state to receive public comment on draft plan sections that involve statewide management issues. Open houses also are held at various locations in an affected basin, although these may be fewer. An open house requires the project manager or a steering committee member to be available to the public for several hours during each meeting, since the public attends these meetings to discuss the draft plan sections directly with the people involved in writing them. Because the open house lasts longer than regular meetings, people can attend at their convenience, gain information by viewing exhibits, and have the chance to question directly and share their impressions with the people responsible for writing the plan. This type of meeting format leads to personalized communication and eliminates the

"us versus them" mind-set that often develops in formal settings when time is limited and people are constrained in the ways they can ask questions and offer their opinions.

After each public meeting each of the DNRC or steering committee participants prepares a summary of public comment. These summaries subsequently are merged into a single report that is distributed to the WPC, the Board, the SWPAC, and the steering committees. The report then is used to revise the draft plan sections.

Public Hearings on Plan Adoption

After the DNRC director revises the plan sections based on public comments and proposes the adoption of plan sections, DNRC and the Board conduct three to five legislative-type hearings at various locations throughout the state. The hearings are held to afford the public an opportunity to comment on the proposed plan sections before the plan is adopted. These hearings are recorded, and people who want to testify are asked to indicate so on a sign- up sheet at the entrance to the hearing room. Again, a report that summarizes hearing comments is prepared for use by those responsible for recommending final revisions.

Consultations

Public notice of SWPAC meetings is provided and time is made available for public comment. This procedure serves as another avenue for receiving information from the public.

The state water plan also will be discussed at regular Board and WPC meetings during the planning cycle. Both Board and WPC members possess valuable expertise and broadly represent the general public; for these reasons they provide valuable advice. Moreover, the consent of the Board and the WPC to the plan section is expected to contribute to plan implementation. Both committees likely would entertain public comments on the plan sections at their meetings, providing yet another way to receive information from the public.

Written Comments

For people unable to make oral comments at public meetings and hearings, written comments are accepted if received within a week of the previous meeting or hearing. A summary of written comments is prepared for use by the DNRC director and others responsible for recommending changes to the plan sections.

Mailing List

A list of about 2,300 names and addresses is maintained for mailing of draft, revised, and final plan sections and information related to meeting dates and locations. Because plan sections are widely circulated, they must be written concisely and easy to understand. Press releases announcing the availability of the plan sections, their subject matter, and public meeting dates and locations also are sent to the media as necessary.

CHAPTER IV

THE PLANNING PROCESS

The state water planning process is one that is ongoing and flexible. At the core of the process, however, is the repetition of a single planning cycle. For statewide issues, the planning cycle coincides with the biennial legislative cycle, while basin issues generally take longer and do not need to coincide with this time frame. The planning cycle consists of five "phases,". The general steps of the planning process are presented below.

I. ISSUE IDENTIFICATION AND SELECTION

- A. Governor appoints SWPAC
 - 1. DNRC suggests SWPAC representation and names
 - 2. Governor issues Executive Order to create SWPAC
 - 3. Governor/DNRC issue press release
 - 4. SWPAC chairperson schedules first meeting
 - 5. DNRC notifies public of SWPAC meeting
- B. DNRC conducts scoping meetings
 - 1. DNRC arranges meeting dates and locations
 - 2. DNRC mails public notification
 - 3. DNRC conducts meetings
 - 4. DNRC writes meeting summaries
 - 5. DNRC mails meeting summaries to attendees, WPC, Board, governor, and SWPAC
- C. DNRC consults with others on issue selection
 - 1. DNRC arranges to meet with WPC, Board and SWPAC
 - 2. DNRC requests input at WPC and Board meetings
 - 3. DNRC consults with governor
 - 4. DNRC consults SWPAC
- D. DNRC director selects issues

1. DNRC issues press release on issues selected
2. DNRC notifies WPC and Board

II. ISSUE ANALYSIS

A. DNRC Director appoints steering committees

1. DNRC solicits nominees from SWPAC, Board, WPC, and prominent public and private interest groups
2. DNRC prepares list of suggested steering committee members, and assigns steering committee staff
3. Based on nominations and past experience, DNRC Director consults with SWPAC chairman and appoints steering committee members by personal letter.

B. Steering Committees Analyze Issues

1. Steering committee chairperson schedules meeting, DNRC notifies members
2. Steering Committee staff prepares background materials and mails to members at least one week before each meeting
3. Steering committee holds first meeting to reach agreement on problem-solving process and begin mutual education
4. Steering committee holds second meeting to continue mutual education and problem definition
5. SWPAC meets to review steering committee progress, DNRC notifies public of this meeting
6. Steering committee holds third meeting to finalize problem definition and generate options
7. Steering committee holds fourth meeting to agree on option evaluation criteria and begin evaluation
8. Steering committee holds fifth meeting to agree on recommended options

9. (1) SWPAC meets to review recommended options, DNRC notifies public
 10. Steering committee holds sixth meeting to agree on implementation strategy
 11. Steering committee holds seventh meeting to finalize its preliminary draft plan section
 12. Steering committee staff mails preliminary draft plan section to SWPAC
- C. SWPAC reviews steering committee draft plan sections
1. SWPAC chairman schedules meeting, DNRC notifies public
 2. SWPAC needs to review preliminary draft plan sections, makes recommendations
 3. DNRC prepares SWPAC meeting summary
- D. DNRC consults others on draft plan sections
1. DNRC presents draft plan sections and SWPAC recommendations to WPC and Board and requests their input
 2. DNRC prepares summaries of WPC and Board input
 3. DNRC director consults with governor
- E. DNRC director determines content of draft plan sections for public review and comment

III. PUBLIC REVIEW AND COMMENT

- A. DNRC prints and mails draft plan sections
1. DNRC supervises layout and printing of draft plan sections
 2. DNRC schedules open houses in consultation with SWPAC and steering committee chairpersons
 3. DNRC mails draft plan sections and meeting notices
 4. DNRC issues press release on open houses
- B. SWPAC members, steering committee members, and DNRC conduct open houses

1. DNRC prepare exhibits for open houses
 2. DNRC document public comments
 3. DNRC document written comments
 4. DNRC mails comment summaries to steering committees, SWPAC, WPC, and Board
- C. SWPAC considers revisions
1. SWPAC schedules meeting, DNRC notifies public and steering committees
 2. SWPAC considers revisions based on public comment
 3. DNRC prepares SWPAC meeting summary
 4. DNRC mails SWPAC recommendations to WPC and Board
- D. DNRC consults others on revising draft plan sections
1. DNRC presents draft plan sections and proposed SWPAC revisions to WPC and Board and request their input
 2. DNRC prepares summaries of WPC and Board input
 3. DNRC director consults with governor
- E. DNRC director proposes adoption of plan sections
1. Based on recommendations/comments of the public, steering committees, SWPAC, Board, WPC, and the governor, DNRC director determines the content of proposed plan sections
 2. DNRC supervises layout and printing of revised plan sections
 3. DNRC schedules public hearings with Board members
 4. DNRC mails legal notice and press releases of hearings and revised plan sections
- F. Board and DNRC conduct hearings on adoption of revised plan sections
1. Board and DNRC conduct hearings
 2. DNRC summarizes public testimony
 3. DNRC mails public testimony summaries to the Board and WPC

IV. ADOPTION AND APPROVAL

- A. DNRC consults others on final plan sections based on public testimony
 - 1. DNRC presents summary of public hearing comment to Board and WPC
 - 2. DNRC writes summary of Board and WPC recommendations
 - 3. DNRC director consults with governor
- B. DNRC adoption
 - 1. DNRC director makes final revisions to plan sections based on public testimony and consultations
 - 2. DNRC notifies Board of adoption, requests Board meeting to consider approval
- C. Board approval
 - 1. Board grants or denies approval
 - 2. DNRC writes summary of Board decision
- D. DNRC presents final plan to WPC and legislature
 - 1. DNRC prints and distributes final plan sections
 - 2. DNRC prepares short report describing all plan recommendations requiring legislative action, including drafts of proposed legislation
- E. Legislature may review and revise plan sections

V. IMPLEMENTATION AND EVALUATION

- A. DNRC notifies all parties responsible for implementing the adopted plan
- B. DNRC monitors and executes plan implementation
- C. DNRC evaluates plan implementation and periodically reports to SWPAC, WPC, Board, and governor
- D. DNRC may suggest reconsideration of an issue through the planning process if it is not implemented or if it proves unsuccessful

CHAPTER V

RESULTS AND DOCUMENTATION

This chapter describes the types of results that the planning process may produce and explains how the state water planning process is documented.

Planning Process Results

The state water plan may result in a variety of actions, including proposed legislation, program guidelines, management decisions, collaborative projects, and research and education activities. Each plan section's results depend on the issue being addressed.

Planning Process Documentation

The state water planning process produces a number of documents. Steering committees produce **work plans** that outline each committee's specific tasks, responsibilities, and deadlines. The steering committees also produce the preliminary **draft plan sections**. The preliminary draft plan sections are reviewed and revised, if necessary, by the State Water Plan Advisory Council and presented as **draft plan sections** to the public for review. All plan sections follow the same basic outline presented in Appendix A.

After the public reviews and comments on the draft plan sections, the steering committees and State Water Plan Advisory Council prepare **proposed plan sections**. These sections are presented for review and comment at public hearings, and then to the Board of Natural Resources and Conservation for approval. Once the proposed plan sections are adopted and approved, **final plan sections** are printed and distributed. Each of the three versions of the plan sections are referred to as **management sections** when they focus on statewide water management issue, and **basin sections** when they address water management issues in specific basins.

Final plan sections are kept in a three-ringed notebook labeled the **State Water Plan**. Throughout development of each state water plan section, several **supporting**

documents also may be produced, including issue papers, public comment summaries, public meeting summaries, research reports, and proposed legislation.

APPENDIX A
MODEL OUTLINE FOR STATE WATER PLAN SECTIONS

- I. Introduction
- II. Background
- III. Policy Statement
- IV. Issues and Recommendations
 - A. Options
 - B. Recommendations
- V. Plan Implementation
 - A. Legislative Action
 - B. Administrative Action
 - C. Financial Requirements and Funding Strategies
 - D. Time Schedule